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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00053 DAE
	)	
	)	STIPULATION AND ORDER
Plaintiff,	)	CONTINUING TRIAL DATES AND
	)	EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT
vs.	)	
	)	OLD TRIAL DATE: Jan. 8, 2008
	)	(As to Counts 1, 2, 3, 4, 8,
SILVER JOSE GALINDO,	)	9, 10, and 11)
(a.k.a. DANIEL S. GALINDO)	)	
(a.k.a. TIMOTHY MAU)	)	OLD TRIAL DATE: Jan. 29, 2008
	)	(As to Counts 5, 6, and 7)
Defendant.	)	
	)	NEW TRIAL DATE: April 1, 2008
	)	(As to Counts 1, 2, 3, 4, 8,
	)	9, 10, and 11)
	)	
	)	NEW TRIAL DATE: April 22, 2008
	)	(As to Counts 5, 6, and 7)

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STIPULATION CONTINUING TRIAL DATES AND  
EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT

A. The United States of America and the Defendant,  
SILVER JOSE GALINDO, a.k.a. DANIEL S. GALINDO, a.k.a. TIMOTHY  
MAU, through their respective attorneys, hereby agree and

stipulate to continue the trials in this case and to exclude the time period from January 8, 2008 to April 1, 2008 for Counts 1, 2, 3, 4, 8, 9, 10, and 11; and from January 29, 2008 to April 22, 2008 for Counts 5, 6, and 7 from computation under the Speedy Trial Act. The reason for the continuance is to allow defense counsel to adequately prepare for trial which includes *inter alia*: the securing and consultation with expert witnesses and trial preparation. Additionally, as previously agreed upon, this continuance is necessary to allow the Government to hire and consult its own experts to respond to the Defendant's experts.

B. The parties further agree that the ends of justice served by the continuance outweigh the best interests of the Defendant and the public in a speedy trial, and:

1. The failure to grant such a continuance would be likely to result in a miscarriage of justice.

2. The failure to grant the continuance would unreasonably deny the Defendant continuity of counsel and deny counsel for the Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

C. The parties further agree that the period of time from January 8, 2008 to and including April 1, 2008 for Counts 1, 2, 3, 4, 8, 9, 10, and 11; and from January 29, 2008 to and including April 22, 2008 for Counts 5, 6, and 7, constitutes

periods of delay which shall be excluded in computing the time within which the trials in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

DATED: December 17, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

/s/ Darren W.K. Ching  
By \_\_\_\_\_  
DARREN W. K. CHING  
Assistant U.S. Attorney

/s/ Jack Schweigert  
\_\_\_\_\_  
JACK SCHWEIGERT, ESQ.  
Attorney for Defendant  
SILVER JOSE GALINDO,  
a.k.a. DANIEL S. GALINDO,  
a.k.a. TIMOTHY MAU

ORDER CONTINUING TRIALS AND EXCLUDING SPEEDY TRIAL ACT TIME

The above Stipulation Continuing Trial Dates And Excluding Time Under the Speedy Trial Act is hereby approved, and the agreements set forth in paragraphs A, B, and C of the Stipulation are adopted as findings by the court. For the reasons stated, IT IS HEREBY ORDERED:

(1) the jury selection and trial for Counts 1, 2, 3, 4, 8, 9, 10, and 11 are set for April 1, 2008.

(2) the jury selection and trial for Counts 5, 6, and 7 are set for April 22, 2008.

(3) the final pretrial conferences are set for March 3, 2008 at 10:00 a.m. before Magistrate Judge Kevin S.C. Chang.

IT IS FURTHER ORDERED that the period of time from January 8, 2008 to and including April 1, 2008 for Counts 1, 2, 3, 4, 8, 9, 10, and 11; and from January 29, 2008 to and including April 22, 2008 for Counts 5, 6, and 7, constitutes periods of delay which shall be excluded in computing the time within which the trials in this case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B).

DATED December 27, 2007, at Honolulu, Hawaii.



  
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David Alan Ezra  
United States District Judge

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